

**ERIE COUNTY LEGISLATURE  
MEETING NO. 17  
SEPTEMBER 27, 2007**

The Legislature was called to order by Chairperson Marinelli.

All members present.

An invocation was held led by Legislator Miller-Williams.

The Pledge of Allegiance was led by Legislator Ranzenhofer.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meetings.

Item 3 – Ms. WHYTE moved to approve the minutes for meetings 13, 14 and 15 of 2007.  
MR. IANNELLO seconded.

CARRIED UNANIMOUSLY.

Item 4 - No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MR. REYNOLDS presented a resolution Recognizing October 1-7 2007 as National 4-H Week.

Item 6 – MR. REYNOLDS presented a resolution In Memory of Robert W. Beck.

Item 7 – IANNELLO & REYNOLDS presented a resolution Honoring Kenmore's Own David And Ruth Dietz Upon Receiving The First Outstanding Library Advocate Award.

Item 8 – MR. LOUGHRAN presented a resolution In Memory of Dennis J. Brinkworth, Jr.

Item 9 – GRANT & MILLER-WILLIAMS presented a resolution Honoring the Uncrowned Queens Institute For Research and Education on Women.

Item 10 – MS. KONST presented a resolution Recognizing 9/24/07 as Family Day - A Day to Eat With Your Children In Erie County.

MS. WHYTE presented the above six items and moved for immediate consideration. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

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MS. WHYTE moved to amend the above six items by including Et Al Sponsorship. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the above six items as amended. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 11 - CHAIRPERSON MARINELLI directed that Local Law No. 4 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 12 - CHAIRPERSON MARINELLI directed that Local Law No. 5 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 13 - CHAIRPERSON MARINELLI directed that Local Law No. 6 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 14 - CHAIRPERSON MARINELLI directed that Local Law No. 8 (Print #1) 2006 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 15 - CHAIRPERSON MARINELLI directed that Local Law No. 1 (Print #1) 2007 remain on the table and in the PERSONNEL COMMITTEE.

GRANTED.

Item 16 - CHAIRPERSON MARINELLI directed that Local Law No. 3 (Print #2) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 17 - CHAIRPERSON MARINELLI directed that Local Law No. 7 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

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Item 18 - CHAIRPERSON MARINELLI directed that Local Law No. 8 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 19 - CHAIRPERSON MARINELLI directed that Local Law No. 9 (Print #1) 2007 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 20 - CHAIRPERSON MARINELLI directed that Local Law No. 10 (Print #1) 2007 remain on the table and in the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

**LEGISLATOR RESOLUTIONS**

Item 21 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 232

RE: Legislature Personnel Adjustment, District Office Staff, 3rd District (INTRO 17-1)

**A RESOLUTION SUBMITTED BY  
 LEGISLATOR MARINELLI & MILLER-WILLIAMS**

MS. WHYTE moved to amend the item by adding the following resolution. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

Delete the Resolution in its entirety and replace with the following

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby make the following technical budget amendments to the Legislature's 2007 Adopted Department Budget, all of which can be effectuated while keeping within the Legislature's Adopted appropriation for 2007:

EFFECTIVE August 18, 2007

Fund Center 100 Cost Center 1005017 District Office Staff

DELETE (1) Administrative Clerk RPT (Position Number 51004572, JG 7 Step 4); and

DELETE (1) Administrative Clerk PT (Position Number 51004571, JG 7 Step 4); and  
REPLACE with (1) Administrative Clerk Full-Time (JG7 Step 4) effective August 18, 2007.

MS. WHYTE moved to approve the item as amended. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

Item 22 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the PERSONNEL COMMITTEE.

GRANTED.

INTRO 17-2 from KONST Re: Proposed Changes to the Erie County Ethics Code

Item 23 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 233

RE: Transfer Tax, Erie County Dedicated Road Fund (INTRO 17-3)

A RESOLUTION TO BE  
SUBMITTED BY LEGISLATOR KONST

WHEREAS, Erie County has approximately 1,200 lane miles of County Roads that must be maintained; and

WHEREAS, Erie County has 297 bridges and 415 culverts; and

WHEREAS, the Federal Highway Administration defines the difference between a culvert and a bridge as a bridge spans 20 feet or more; and

WHEREAS, of the 57 Counties in New York State, only Chautauqua County has more bridges than Erie County, with 314; and

WHEREAS, each year the County receives revenue from the Transfer Tax, Real Property Transfer Tax, a Dedicated Road Fund, which is to be used for Bridge and Road projects; and

WHEREAS, the Erie County Clerk's office received \$9 million this past year in Real Property Transfer Tax Revenue; and

WHEREAS, this past year, the Erie County Highway Department received only \$1.35 million of Transfer Tax monies to be used for road and bridge work; and

WHEREAS, the administration choose to divert the remaining portion of the \$8.5 million on other expenses, such as salaries, benefits or other general fund purposes; and

WHEREAS, for the past year, Erie County Legislature Resolutions have been passed and meetings have been held with the Administration, Erie County Highway Department, as well as the Director of the Erie County Fiscal Stability Authority to expose this raid on Real Property Transfer Tax revenue, because the intent of Real Property Tax revenue was to be used as a dedicated Erie County Road Fund.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature demands that the raid on the Dedicated Road Fund known as the Real Property Transfer Tax end immediately; and be it further

RESOLVED, that the Erie County Legislature hereby directs the Office of Budget, Management and Finance, in preparation of the 2008 Erie County Budget, include a list of roads and bridges that are to be completed with funds from the Erie County Real Property Transfer Tax, Erie County Dedicated Road Fund; and be it further

RESOLVED, that the Erie County Legislature formally requests that the Erie County Comptroller's Office complete a complete and thorough audit of proceeds and expenditures of the \$9 million Erie County received from the Real Property Transfer Tax, Erie County's dedicated road fund; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive; the Director of the Office of Budget, Management and Finance; the Commissioner of the Erie County Highway Department; the Erie County Comptroller; and the Director and all the members of the Erie County Fiscal Stability Authority.

MS. WHYTE moved to amend the item. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

**DELETE** the 1<sup>st</sup> RESOLVED Clause

**DELETE** the 3<sup>rd</sup> RESOLVED Clause and **ADD** the following:

**RESOLVED**, that the Erie County Legislature formally requests that the Erie County Comptroller's Office conduct a complete and thorough audit of proceeds and expenditures of the funds that Erie County received from the Real Property Transfer Tax and that the Erie County Comptroller come to a regularly scheduled meeting of the Finance and Management Committee to discuss this issue; and be it further

**ADD** the Audit Committee and the Erie County Associations of Governments to the 4<sup>th</sup> RESOLVED Clause to the list of entities to receive a certified copy of this resolution.

MS. WHYTE moved to approve the item as amended. MS. KONST seconded.

CARRIED UNANIMOUSLY.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 24 – MS. WHYTE moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of COMM. 14E-24. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 234

RE: DPW - ECMC - Erie County Health Dept.  
 – BB Building Renovations

WHEREAS, the Erie County Health Department has requested that we continue with the renovations of BB Building, and

WHEREAS, the Department of Public Works received bids on July 3, 2007 for the Erie County Medical Center – Erie County Health Department –BB Building Renovations, and

WHEREAS, the Department of Public Works and the Architect/Engineer are recommending award to the lowest responsible bidders for the Erie County Medical Center – Erie County Health Department – BB Building Renovations , and

WHEREAS, your Honorable Body has previously authorized a General Architectural/Engineering Agreement with Cannon Design, Inc. to provide Architectural & Engineering Services on a project-by-project basis, and

WHEREAS, a change order is needed for Cannon Design, Inc. to provide Design Services for the Erie County Health Department, BB Building Renovations.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into contracts for the Erie County Medical Center – Erie County Health Department – BB Building Renovations as follows:

**GENERAL CONSTRUCTION WORK**

Clverbank Construction, Inc.

Base Bid: \$ 66,665.00

**MECHANICAL WORK**

No Bids

**ELECTRICAL WORK**

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Wittburn Enterprises, Inc.

Base Bid: \$ 14,860.00

Total Award of Contracts: \$ 81,525.00

and be it further,

RESOLVED, that the sum of \$62,000.00 (\$12,000.00 – 15% of bids + \$50,000.00) for General Contractor to hire Mechanical sub-contractor) be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the contingency, and be it further,

RESOLVED, that deduct change orders will result in these funds being returned to the contingency fund, and be it further,

RESOLVED, that the Commissioner of Public Works be authorized to issue a change order to Cannon Design, Inc.'s General Architectural/Engineering Agreement for an amount not to exceed \$30,000.00, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from the '01 Renovations of Building BB, Project A.00028, in an amount not to exceed \$173,525.00; and be it further,

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget, Management & Finance, and the Office of the Comptroller.

MS. WHYTE moved to approve the item. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

Item 25 – MS. WHYTE moved to discharge the HEALTH COMMITTEE from further consideration of COMM. 14E-28. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 235

RE: Health - Division of Criminal Justice  
 Services Assessment Grant - 7/5/07 - 7/4/08  
 (COMM. 14E-28)

WHEREAS, the Erie County Departments of Health and Mental Health, and the Erie County Office of the Sheriff are responsible for the medical and mental health care of inmates at the Erie County Holding Center, Erie County Correctional Facility and Erie County Youth Detention Center, and

WHEREAS, the New York State Division of Criminal Justice Services has awarded Erie County a grant award in the amount of \$9,500 to support an assessment of health and mental health care services which will be conducted by the National Commission on Correctional Health Care (NCCHC), and

WHEREAS, the Erie County Departments of Health and Mental Health, and the Erie County Office of the Sheriff wish to enter into a subcontract with the National Commission on Correctional Health Care (NCCHC), to provide assessment, technical assistance and recommendations for improvement of medical and mental health services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into a contract with the New York State Division of Criminal Justice Services which is budgeted as follows:

**Division of Criminal Justice Services Assessment Grant**  
**7/5/07 – 7/4/08**

<b>SAP</b>	<b>REVENUE</b>	<b>AMOUNT</b>
409000	State Aid	<u>\$9,500</u>
	<b>TOTAL</b>	<u>\$9,500</u>
	<b>EXPENSES</b>	
516020	Prof. Svc Contract & Fees	<u>\$9,500</u>
	<b>TOTAL</b>	<u>\$9,500</u>

and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a subcontract with the National Commission on Correctional Health Care (NCCHC), for an amount not to exceed \$9,500 for the purpose of assessment, technical assistance and recommendations for improvement of medical and mental health services, and be it further

RESOLVED, that the subcontract with the National Commission on Correctional Health Care (NCCHC), is a special service which must be provided immediately and continuously and was originally proposed to the granting agency and are now expected by the granting agency to complete the grant deliverables and THEREFORE the RFP procedure required under Section 19.08 of the Erie County Administrative Code, is hereby waived, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, Office of the Sheriff, the Department of Health, the Department of Mental Health, the Division of Budget, Management and Finance, the Office of the Comptroller and the Department of Law.

MS. WHYTE moved to approve the item. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

Item 26 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of COMM. 16E-13. MR. RANZENHOFER and MR. WEINSTEIN voted in the negative.

CARRIED. (13-2)

RESOLUTION NO. 236

RE: Bond Resolution - Authorizing the Payment of 2007 Costs From a Judgment Against the County in the Case of ECMCC V. County of Erie (COMM. 16E-13)

RESOLUTION NO. 236-2007

BOND RESOLUTION DATED SEPTEMBER 27, 2007

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE PAYMENT OF 2007 COSTS FROM A JUDGMENT AGAINST THE COUNTY IN THE CASE OF ERIE COUNTY MEDICAL CENTER CORPORATION V. COUNTY OF ERIE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$15,000,000, APPROPRIATING SAID AMOUNT THEREFORE, AND AUTHORIZING THE ISSUANCE OF \$15,000,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF.

(Introduced) September 13, 2007

(Adopted) September 27, 2007

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Erie, New York (herein called “County”), is hereby authorized to finance payment of a portion of the judgment against the County in the case of Erie County Medical Center Corporation v. County of Erie, Consent Decree Index Number I2005-1853, to fund the County's capital funding contribution to ECMCC for fiscal year 2008. The estimated

maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$15,000,000, and said amount is hereby appropriated

THEREFORE. The plan of financing includes the issuance of \$15,000,000 bonds of the County to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the County in the principal amount of \$15,000,000 are hereby authorized to be issued for the specific object or purpose described in Section 1 hereof, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

Section 3. The period of probable usefulness applicable to the specific object or purpose for which said \$15,000,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 33(a) of the Law, is five (5) years.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Bond Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of §21.00 relative to providing for substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals

thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Resolution or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

AYES: MILLS, GRANT, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS and WHYTE. NOES: RANZNEHOFER, WEINSTEIN and IANNELLO. (AYES: 12; NOES: 3)

Item 27 – MS. WHYTE moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of INTRO. 16-1. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 237

RE: Designating 10th District Legislator to Erie County Greenway Fund Standing Committee (INTRO 16-1)

**A RESOLUTION SUBMITTED BY  
 LEGISLATOR IANNELLO**

WHEREAS, the Niagara River Greenway Commission was created as a public benefit corporation to develop and enhance a linear system of state and local parks, and conservation areas linked by a network of trails from the northern mouth of the Niagara River at Lake Ontario in Niagara County, along the Niagara River to the City of Buffalo at Lake Erie; and

WHEREAS, the New York Power Authority Relicensing Agreement has committed to providing \$2 million annually to the Greenway Commission for waterfront communities along the Niagara River in the County of Erie, the first of these funds to be released by the end of October 2007; and

WHEREAS, the New York Power Authority Relicensing Agreement calls for creation of a four member Erie County Greenway Fund Standing Committee to disburse the funds in a manner responsive to the Mission of Revitalization of the Niagara River Greenway Corridor as defined in statute; and

WHEREAS, the four members of the Erie County Greenway Standing Committee will represent the City of Buffalo, the County of Erie, the Olmsted Parks Conservancy and the New York Power Authority; and

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WHEREAS, Legislative Districts were geographically arranged so that each elected Legislator's oath of office includes an inherent responsibility for exclusive attention in representing the best interests of their respective Legislative Districts; and

WHEREAS, the Erie County Greenway waterfront communities of the Town of Tonawanda, the City of Tonawanda and the Town of Grand Island encompass the 10<sup>th</sup> Legislative District of the County of Erie; and

WHEREAS, membership of the Legislator from the 10<sup>th</sup> District of Erie County will create a balance on said Committee while serving as an advocate for his or her Legislative District and as a liaison to the administration of the County of Erie.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County is to receive \$2 million annually from the New York Power authority for the next 50 years, the use of these funds to be determined by the four member Erie County Greenway Fund Standing Committee; and be it further

RESOLVED, that there currently is no designated advocate for the 10<sup>th</sup> District of Erie County waterfront communities on the Erie County Greenway Fund Standing Committee consisting of a representative from the City of Buffalo, the Olmsted Parks Conservancy and the New York Power Authority; and be it further

RESOLVED that the representative should be an individual who has an established relationship with the waterfront communities and who is dedicated to serving as an advocate for such communities; and be it further

RESOLVED, that it is deemed appropriate by this body, the Erie County Legislature, that it designate the 10<sup>th</sup> District Legislator to be the official representative from the County of Erie to serve on the Erie County Greenway Fund Standing Committee to offer a balance of representation; and be it further

RESOLVED, that as the individual who holds the position of Legislator in the 10<sup>th</sup> District of Erie County will change over time, so should the representative to the Erie County Greenway Committee change accordingly to allow the Legislator of the 10<sup>th</sup> District to always serve as the advocate for the people of the 10<sup>th</sup> District and the liaison for the administration of the County of Erie; and be it further

RESOLVED, that this appointment shall take effective immediately with the current Legislator of the 10<sup>th</sup> District of Erie County and certified copies of this resolution be forwarded to the WNY delegation, members of the Niagara River Greenway Commission, the New York Power Authority, officials of the 10<sup>th</sup> Legislative District waterfront communities and the remaining members of the Erie County Greenway Fund Standing Committee, the County Executive, the County Attorney and all Legislators.

MS. WHYTE moved to amend the item. MS. IANNELLO seconded. MS. MILLER-WILLIAMS voted in the negative.

CARRIED. (14-1)

DELETE the resolution and REPLACE with the following:

WHEREAS, the Niagara River Greenway Commission was created as a public benefit corporation to develop and enhance a linear system of state and local parks, and conservation areas linked by a network of trails from the northern mouth of the Niagara River at Lake Ontario in Niagara County, along the Niagara River to the City of Buffalo at Lake Erie; and

WHEREAS, the New York Power Authority Relicensing Agreement, has committed to providing \$2 million annually to the Greenway Commission for waterfront communities along the Niagara River in the County of Erie, the first of these funds to be released by the end of October, 2007; and

WHEREAS, the New York Power Authority Relicensing Agreement calls for creation of a four member Erie County Greenway Fund Standing Committee to disburse the funds in a manner responsive to the Mission of Revitalization of the Niagara River Greenway Corridor as defined in statute; and

WHEREAS, the four members of the Erie County Greenway Standing Committee will represent the City of Buffalo, the County of Erie, the Olmsted Parks Conservancy and the New York Power Authority; and

WHEREAS, Legislative Districts were geographically arranged so that each elected Legislator's oath of office includes an inherent responsibility for exclusive attention in representing the best interests of their respective Legislative Districts; and

WHEREAS, the Erie County Greenway waterfront communities of the Town of Tonawanda, the City of Tonawanda and the Town of Grand Island encompass the 10<sup>th</sup> Legislative District of the County of Erie; and

WHEREAS, membership of the Legislator from the 10<sup>th</sup> District of Erie County will create a balance on said Committee while serving as an advocate for his or her Legislative District and as a liaison to the administration of the County of Erie.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County is to receive \$2 million annually from the New York Power authority for the next 50 years, the use of these funds to be determined by the four member Erie County Greenway Fund Standing Committee; and be it further

RESOLVED, that there currently is no designated advocate for the 10<sup>th</sup> District of Erie County waterfront communities on the Erie County Greenway Fund Standing Committee consisting of a representative from the City of Buffalo, the Olmsted Parks Conservancy and the New York Power Authority; and be it further

RESOLVED that the representative should be an individual who has an established relationship with the waterfront communities and who is dedicated to serving as an advocate for such communities; and be it further

RESOLVED, that it is deemed appropriate by this body, the Erie County Legislature, that it designate the 10<sup>th</sup> District Legislator to be the official representative from the County of Erie to serve on the Erie County Greenway Fund Standing Committee to offer a balance of representation; and be it further

RESOLVED, that as the individual who holds the position of Legislator in the 10<sup>th</sup> District of Erie County will change over time, so should the representative to the Erie County Greenway Committee change accordingly to allow the Legislator of the 10<sup>th</sup> District to always serve as the advocate for the people of the 10<sup>th</sup> District and the liaison for the administration of the County of Erie; and be it further

RESOLVED, that this appointment shall take effective immediately with the current Legislator of the 10<sup>th</sup> District of Erie County and certified copies of this resolution be forwarded to the WNY delegation, members of the Niagara River Greenway Commission, the New York Power Authority, officials of the 10<sup>th</sup> Legislative District waterfront communities and the remaining members of the Erie County Greenway Fund Standing Committee, the County Executive, the County Attorney and all Legislators.

RESOLVED, that though the Erie County Greenway Standing Committee will be in existence for the fifty years during the New York Power Authority allocation process, appointment by the Erie County Legislature to the Erie County Greenway Standing Committee will be for a term of two years, with each newly elected Erie County Legislative body addressing a new appointee upon re-organization in January of said year; and be it further

RESOLVED, that in the absence of the Erie County 10<sup>th</sup> District Legislator, an alternate designee, shall be the Chairman of the Energy and Environment Committee of the Erie County Legislature and he/she will attend such meetings of the Greenway Standing Committee that shall occur in such absence; and be it further

RESOLVED that the Erie County Legislator from the 10<sup>th</sup> District of Erie County will form a District 10 Advisory Committee for the Niagara River Greenway Fund Standing Committee, comprised of six representatives selected by their respective elected municipal bodies, two from each of these municipalities: Town of Tonawanda, City of Tonawanda and the Town of Grand Island; and be it further

RESOLVED that the purpose of the Advisory Committee will be to serve as advisors to the 10<sup>th</sup> District Legislator on matters concerning the Greenway Standing Committee and to evaluate projects before the Erie County Greenway Standing Committee. They shall serve as liaisons to their respective elected bodies

MS. WHYTE moved to approve the item as amended. MS. IANNELLO seconded. MS. MILLER-WILLIAMS voted in the negative.

CARRIED. (14-1)

**SUSPENSION OF THE RULES**

Item 28 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 17D-5 from the DIRECTOR OF LABOR RELATIONS Re: PERB Case No. IA2006-020 – Compulsory Interest Arbitration – County of Erie and Erie County Sheriff's Benevolent Association

Received and filed.

Item 29 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 17M-9 from the ECFSA Re: Tax Lien Sale

Received and filed.

Item 30 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 17E-11 from MARINELLI & REYNOLDS Re: Reply to Comm. 17M-9

Received and filed.

Item 31 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 17E-12 from the SHERIFF Re: Inmate Population Levels

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 32 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 17M-10 from NYS COMMISSION ON LOCAL GOVERNMENT EFFICIENCY AND COMPETITIVENESS Re: Local Initiatives by County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM ELECTED OFFICIALS**

Item 33 – (COMM. 17E-1) Funding for Lt. Col. Matt Urban Memorial

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 34 – (COMM. 17E-2) Tow Path Park - Phase II - Improvements - Bid Construction Award

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 35 – (COMM. 17E-3) Erie County Sewer Districts - Personnel Requests

Received and referred to the PERSONNEL COMMITTEE.

Item 36 – (COMM. 17E-4) Senior Services - Authorization to Amend the Administration and Support, CSC and PSA Program Budgets

Item 37 – (COMM. 17E-5) Senior Services - Authorization to Amend the SNAP and III-C-2 Grant Budgets

The above two items were received and referred to the HUMAN SERVICES COMMITTEE.

Item 38 – (COMM. 17E-6) Community Development Block Grant - 2007 Accounting Software

Item 39 – (COMM. 17E-7) ECSD Nos. 1-6 & 8 - Engineering Term Agreements

Item 40 – (COMM. 17E-8) Clean Air/Clean Water Bond Act of 1996 Application to NYS Dept. of Environmental Conservation for 5335 River Road, Town of Tonawanda

The above three items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 41 – (COMM. 17E-9) Senior Services - Authorization to Amend the III-B, RSVP and WRAP-SOFA Grant Budgets

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 42 – (COMM. 17E-10) 2007 Committee Assignments

Received, Filed and Printed.

**2007 Committee Assignments**

**Community Enrichment**

**Chairperson:** Michele M. Iannello  
**Vice-Chairperson:** Betty Jean Grant  
**Members:** Thomas A. Loughran  
Michael H. Ranzenhofer  
**Clerk:** Jeremy Rosen

**Economic Development**

**Chairperson:** Timothy M. Kennedy  
**Vice-Chairperson:** Kathy Konst  
**Members:** Robert B. Reynolds, Jr.  
John J. Mills  
**Clerk:** James Gambino

**Energy & Environment**

**Chairperson:** Thomas A. Loughran  
**Vice-Chairperson:** Daniel M. Kozub  
**Members:** Maria R. Whyte  
John J. Mills  
**Clerk:** Paul Tarapacki

**Finance & Management**

**Chairperson:** Robert B. Reynolds, Jr.  
**Vice-Chairperson:** Maria R. Whyte  
**Members:** Kathy Konst  
John J. Mills  
**Clerk:** John C. Davis

**Government Affairs**

**Chairperson:** Maria R. Whyte  
**Vice-Chairperson:** Cynthia E. Locklear  
**Members:** Timothy M. Kennedy  
John J. Mills  
**Clerk:** Paul Tarapacki

**Health**

**Chairperson:** Cynthia A. Locklear  
**Vice-Chairperson:** Thomas J. Mazur  
**Members:** Betty Jean Grant  
Dr. Barry A. Weinstein  
**Clerk:** Paul Henderson

**Human Services**

**Chairperson:** Thomas J. Mazur  
**Vice-Chairperson:** Michele M. Iannello  
**Members:** Barbara Miller-Williams  
Michael H. Ranzenhofer  
**Clerk:** Paul Henderson

**Personnel**

**Chairperson:** Kathy Konst  
**Vice-Chairperson:** Barbara Miller-Williams  
**Members:** Daniel M. Kozub  
John J. Mills  
**Clerk:** John Calvin Davis

**Public Safety**

**Chairperson:** Daniel M. Kozub  
**Vice-Chairperson:** Timothy M. Kennedy  
**Members:** Michele M. Iannello  
John J. Mills  
**Clerk:** Jeremy Rosen

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM BUDGET, MANAGEMENT & FINANCE**

Item 43 – (COMM. 17D-1) \$12.5 Million Sales Tax Revenue Sharing

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE DIRECTOR OF REAL PROPERTY TAX SERVICES**

Item 44 – (COMM. 17D-2) OPEN ITEM: Correction of Errors on Petitions

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COUNTY ATTORNEY**

Item 45 – (COMM. 17D-3) Local Law Subject to Mandatory Referendum

Item 46 – (COMM. 17D-4) Transmittal of New Claims Against Erie County

The above two items were received and filed.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES****NYS DEPT. OF REAL PROPERTY SERVICES**

Item 47 – (COMM. 17M-1) List of Certified 2007 State Equalization Rates

Received and filed.

**FROM THE FIRE ADVISORY BOARD**

Item 48 – (COMM. 17M-2) Request for Restoration of Position of Commissioner of Emergency Services

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM NYS FISH AND WILDLIFE MANAGEMENT BOARD**

Item 49 – (COMM. 17M-3) Region 9 FWMA Board Minutes - Sept. 6, 2007

Received and filed.

**FROM THE WESTCHESTER COUNTY BOARD OF LEGISLATORS**

Item 50 – (COMM. 17M-4) Certified Resolution - Medicaid County Protection Act of 2007

Received and filed.

**FROM THE NYS DEPT. OF AGRICULTURE AND MARKETS**

Item 51 – (COMM. 17M-5) Availability of Grant Program for Municipalities to Develop Agricultural and Farmland Protection Plans

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM NYS DEPT. OF REAL PROPERTY SERVICES**

Item 52 – (COMM. 17M-6) Certificate of County Equalization Rates for 2007 Assessment Rolls for Municipalities in the County of Erie

Received and filed.

**FROM STATE SENATOR DALE VOLKER**

Item 53 – (COMM. 17M-7) Receipt of Certified Resolution

Received and filed.

**FROM SENECA COUNTY BOARD OF SUPERVISORS**

Item 54 – (COMM. 17M-8) Copy of Letters to Governor Spitzer

Received and filed.

**MEMORIAL RESOLUTIONS**

Item 55 - Legislator Kozub requested that when the Legislature adjourns, it do so in memory of Frank D. Rozwood.

Item 56 - Legislator Weinstein requested that when the Legislature adjourns, it do so in memory of William M. Belinson.

Item 57 - Legislator Weinstein requested that when the Legislature adjourns, it do so in memory of R. William Larson.

**ADJOURNMENT**

Item 58 - At this time, there being no further business to transact, Chairperson Marinelli announced that the Chair would entertain a Motion to Adjourn.

MS. MILLER-WILLIAMS moved that the Legislature adjourn until Thursday, October 11, 2007 at 2 p.m. Eastern Standard Time. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

**MEETING NO. 17**  
**SEPTEMBER 27, 2007**

**ERIE COUNTY LEGISLATURE**

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Chairperson Marinelli declared the Legislature adjourned until Thursday, October 11, 2007 at 2 p.m. Eastern Standard Time.

**ROBERT M. GRABER**  
**CLERK OF THE LEGISLATURE**